IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 678 of 2005

In

Second Appeal No.344 of 1984

Vithaldas Dattatraya Shah .. Applicant

V/s

Akaram Chandru Ghatage and Anr..Respondents

Vineet B. Naik for Applicant

M.D.Angal for Respondent

CORAM:S.R.SATHE,J.

DATED:4th Aug. 2006

P.C.:-

. Heard learned Advocate for the Applicant as well as Respondent.

. For the reasons mentioned in the application and in particular considering the reason as a result of which the matter was dismissed, I think that in the interest

of justice it is necessary to restore the matter. Incidently it must also be mentioned that till the year 2005 the decree has not been executed. So having regard to these peculiar facts and circumstances the matter is restored and earlier order of stay is to continue subject to payment of costs of Rs.3,000/- to the Respondent. Cost t be paid to the Respondent within 2 weeks. Payment of cost is a condition precedent for further prosecution of the appeal.

(S.R.SATHE,J.)